THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2892 of 2006

DATED: 16-02-2006

Between:

Smt.Bonthu Indumathi … Petitioner

and

The District Collector, East Godavari

District, Kakinada and two others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2892 of 2006

ORDER:

The petitioner questions the proceedings of the Revenue Divisional Officer, Kakinada Rural Mandal, dated 31-01-2006 in proceedings No.A/858/2006, dated 01-02-2006 passed under Section 4(1) of 'The A.P. Assigned Lands (Prohibition of Transfers) Act, 1977(for short 'the Act'). It is stated that the petitioner has purchased the assigned lands of an extent of 355 square yards out of Ac.1.00 in survey No.190/1C from one Binipe Nagaraju of Thimmapuram village of Kakinada Rural Mandal, East Godavari District under a registered sale deed dated 20-04-1999. It is stated that the said land is assigned land and therefore, the purchase of the said land is in contravention of sub-sections 1 and 2 of Sec.3 of the Act. Admittedly, against the said order, appeal lies under Section 4(A) of the said Act, before the Revenue Divisional Officer, Kakinada.

Having regard to the facts and circumstances of the case, the writ petition is disposed of and the petitioner is permitted to file an appeal within one week from the date of receipt of a copy of this order by impleading all the interested parties and the legal heirs of the vendor of the petitioner, who was the original assignee. On such filing, the appellate authority is directed to consider and dispose of the same in accordance with law after giving reasonable opportunity to the petitioner and the interested persons of all the concerned. Till the disposal of the appeal, status quo obtained as on today, shall be maintained. If no appeal is filed within one week from the date of receipt of a copy of this order, it is open for the respondents to dispossess the petitioner and take possession of the land in question.

No order as to costs.

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V. ESWARAIAH, J.

Dated: 16-02-2006

Note:

Issue C.C. within three days.

B/o.

rns